

E-FILED on 12/3/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MEMRY CORPORATION,

Plaintiff,

v.

KENTUCKY OIL TECHNOLOGY, N.V.,  
PETER BESSELINK, MEMORY METALS  
HOLLAND, B.V.,

Defendants.

No. C-04-03843 RMW

ORDER REGARDING *EX PARTE*  
APPLICATION TO SCHEDULE CASE  
MANAGEMENT CONFERENCE

[Re Docket Nos. 226, 243]

KENTUCKY OIL TECHNOLOGY, N.V.,

Counterclaimant,

v.


MEMRY CORPORATION and  
SCHLUMBERGER TECHNOLOGY  
CORPORATION,

Counterdefendants.

On November 13, 2006, Kentucky Oil filed an *ex parte* application for the court to hold a new case management conference. As Schumberger points out, Kentucky Oil did not present the authority allowing such a motion to be filed *ex parte* as required by Civil L.R. 7-10, nor is the court

1 aware of any. Furthermore, the facts as presented to the court do not appear to justify the relief  
2 Kentucky Oil seeks. Kentucky Oil's request is denied without prejudice. The court will, however,  
3 consider alterations to the schedule at the December 15, 2006 hearings on the motions to amend  
4 complaints and the motion to sever, as the resolution of those motions may impact the schedule of  
5 this case.

6  
7  
8 DATED: 12/3/06

  
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RONALD M. WHYTE  
United States District Judge

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14 Counsel are responsible for distributing copies of this document to co-counsel that have not registered  
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16 **Dated:**            12/3/06

/s/ JH

**Chambers of Judge Whyte**